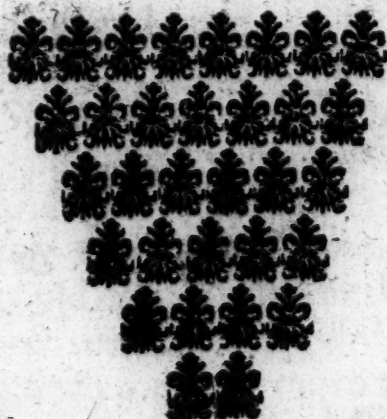


THE
CONCLUSION
OF THE EARLE OF
STRAFFORDS
DEFENCE.

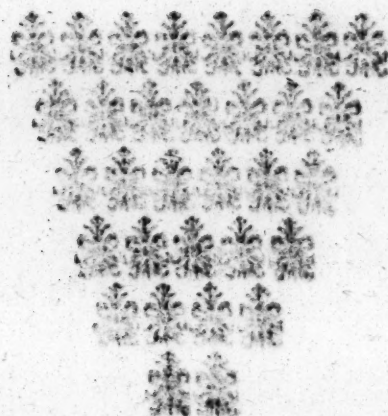
The Twelfth of Aprill. 1641.



Printed in the Year 1641.

THE
CONGLUTION
OF THE EARLE OF
STRAFFORDS
DEFEINCE.

The Twelfth of April. 1641.



Printed in the Year 1641.



THE
CONCLVSION
Of the *Earle* of STRAFFORDS
DEFENCE, the twelfth of
Aprill, 1641.

MY LORDS, there yet remains another Treason, that I should be guilty of; the indeavouring to subvert the fundamentall Lawes of the Land, that they should now be Treason, together, that is not Treason in any one part of Treason accumulative, that so when all will not doe, it is woven up with others, it should seeme very strange.

Under favour, my *Lords*, I doe not conceive that there is either Statute-Law, nor Common-Law, that doth declare the endeavouring to subvert the fundamentall Lawes to be high Treason.

For neither *Statute-Law*, nor *Common-Law* written, that ever I could heare of, declareth it so.

And yet I have been diligent to enquire, (as I beleeve you think it doth concerne me to doe.)

It is hard to be questioned for life and honour, upon a Law that cannot be shewne.

There is a rule which I have learned from Sir Edward Cooke, *De non apparentibus & non existentibus eadem ratio*, (Jesu) where hath this fire laine all this while, so many hundreds of yeares without any smoake to discover it, till it thus burst forth to consume me, and my children: extreame hard in my opinion, that punishment should precede promulgation, of a Law punished by a Law subsequent to the Acts done?

Take it into your considerations, for certainly it is now better to be under no Law at all but the will of men, then to conforme our selves under the protection of a Law as we thinke, and then be punished for a crime that doth precede that Law, what man can be safe, if that be once admitted?

My Lords, it is hard in another respect, that there should be no token set upon this offence, by which we should know it, no admonition by which we should be aware of it.

If a man passe downe the Thames in a Boat, and it be split upon an anchor, and a Boye, being set as a token that there is an anchor there, that party that owes the anchor, by the Maritime Lawes, shall give satisfaction for the dammage done; but if it were marked out, I must come upon my owne perill.

Now where is the marke upon this crime, where is the token that this is high Treason?

If

If it be under water and not above water, no humane providence can availe nor prevent my destruction.

Lay aside all humane wisdom, and let us rest upon divine Revelation, if you will condemne before you forewarne of the danger.

Oh my Lords, may your Lordships be pleased to give that regard unto the Peerage of *England*, as never to suffer our selves to be put on those nice points, upon such constructive interpretations, and these are where Lawes are not cleare or knowne; if there must be a Tryall of wits, I doe most humbly beseech you, the subject and matter may be in somewhat else, than the lives and Honours of Peeres.

My Lords, wee finde that in the primitive times, in the progression of the plaine Doctrine of the Apostles, they brought the Bookes of curious Arts, and burned them. And so likewise as I doe conceive, it will be wisdom and providence in your Lordships, for your posteritie, and the whole Kingdome, to cast from you into the fire these bloudy and most mysterious Volumes of constructive and Arbitrary Treason; and to betake your selves to the plaine Letter of the Law and Statute, that telleth us where the crime is, And by telling what is, and what is not, shewes how to avoid it. And let us not be ambitious, to be more wise and learned in the killing Arts, then our forefathers were.

It is now full 200. and 20. yeares, since ever any man was touched for this alleadged crime, (to this height) before my selfe, we have lived happily to our selves at home, and wee have lived gloriously to the World abroad.

Let us rest contented with that which our Fathers left us, and not awake those sleepey Lyons to our owne destructions; by taking up a few musty Records that have liyen so many ages by the walls, quite forgotten and neglected.

May your Lordships be nobly pleased, to adde this to those other misfortunes befallen me for my sinnes, not for my Treasons; that a precedent should not be derived from me of that disadvantage (as this will be in the consequent to the whole Kingdome) (I beseech you seriously to consider it, and let not my particular case be so looked on as you doe; though you wound me in my interest in the Common-wealth; and therefore those Gentlemen say, that they speake for the Common-wealth, yet in this particular I indeed speake for it, and the inconveniences and mischiefes that will heavily fall upon us; for as it is in the re. of Henry the fourth, no man will after know what to doe, or say, for feare.

Doe not put (my Lords) so great difficulties upon the Ministers of state, that men of wisdom, honour, and vertue, may not with chearefulnesse and safety, be employed for the publique, if you weigh and measure them by graines and scruples, the publike affaires of the Kingdome will be laid waste, and no man will

will

will meddle with them, that hath honours, issues, or any fortunes to lose.

My *Lords*, I have now troubled you, longer then I should have done, were it not for the interest of those deare pledges, a Saint in heaven hath left me; I should be loath my *Lords*, (there he stopped.)

What I forfeit for my selfe it is nothing, but that my indiscretion should forfeit for my child, it even woundeth me deepe to the very soule.

You will pardon my infirmitie, something I should have said, but I am not able, (and sighed) therefore let it passe.

And now my *Lords*, I have been by the blessing of Almighty God taught, that the afflictions of this life present, are not to be compared to the eternall weight of glory that shall be revealed to us hereafter.

And so, my *Lords*, even so with tranquillity of mind, I doe submit my selfe freely and clearely to your Lordships judgement; and whether that righteous judgement shall be to life or death.

*Te Deum Laudamus, te Dominum
Confitemur.*

F I N I S.

FINIS.

Confession.

To Deum Landamm, et Dominum

righteous judgement shall be to life or death.
to your Lordships judgement; and whether that
mind, I doe submit my selfe freely and clearly
And so my Lords, even so with tranquillity of
us hereafter.
eternall weight of glory that shall be revealed to
this life present, are not to be compared to the
of Almighty God taught, that the afflictions of
And now my Lords, I have been by the blessing
therefore let it passe.
should have said, but I am not able, (and sighes)
You will pardon my infirmities, touching I
it even woundeth me deepe to the very soule.
that my indiscretion should forfeit for my child,
What I forfeit for my selfe it is nothing, but
stopped.)
let me; I should be loath my Lords, (there he
elfe of those deare pledges, a Saint in heaven hath
then I should have done, were it not for the inter-
my Lords, I have now troubled you longer
any fortunes to lose.
will meddle with them, that hath honours, offices, or